

CHAPTER SEVEN

CURRENT PROCESSES AND INSTITUTIONS

Australian Arrangements

Government

7.1 The critical importance of a 'durable and comprehensive human rights dialogue' in the Asia Pacific region was seen by one expert as indispensable to the success of Australia's national, bilateral and international human rights policies and initiatives.¹ The opportunity presented to Australia to assume a valuable role in the region was also emphasised:

Australia is uniquely placed to contribute to the process through a strategic blend of measures involving domestic reform, diplomacy, advocacy, and economic and technical assistance.²

7.2 In Chapters Three and Four, the Committee considered the broad approach taken by the Australian government to human rights, and to Australia's dialogue at the bilateral and multilateral levels. The purpose of this chapter is to focus on several activities and entities through which Australia can improve its contribution to dialogue in the region.

National Action Plans

7.3 The Vienna Declaration and Program of Action in 1993 recommended (at Australia's initiative) that each state consider drawing up a national human rights action plan. Australia was the first to complete and submit to the Commission for Human Rights in 1994, a comprehensive National Action Plan. Since then, other countries have followed suit.³

7.4 Australia's original Plan was well received, and has been described by the Human Rights Council of Australia (the Council) as a 'model of its kind'. The Council suggested that wider circulation of the document would be welcomed.⁴ Since the original National Action Plan was presented, Australia has also presented updates for 1995 and 1996-97.

7.5 In Australia's dialogue with regional partners, the Council would like to see it promote action plans more actively. The drafting of these plans can establish planning priorities for realisation of rights and assist in holding governments accountable for their protection and fulfilment of human rights.⁵

7.6 For Australia's credibility in human rights, the Council emphasised that a five-yearly review of our own National Action Plan should take place and be achieved through a

1 Camilleri, Submission, p. 309.

2 *ibid.*, pp. 308-309.

3 DFAT, *Human Rights and Indigenous Issues Newsletter* (No. 6), January 1998, p. 12.

4 Human Rights Council of Australia, Transcript, p. 101.

5 *ibid.*, p. 95.

more participatory process than was the case with the original plan. Such a review would, in the Council's view, parallel the High Commissioner for Human Rights' initiative to coordinate the 'five-year after Vienna' review and also increase the expertise of Australian officials in drafting such plans, allowing them to better assist others in the region to do the same.⁶

7.7 Among Professor Camilleri's suggestions to improve human rights dialogue were enhancements to the value of national action plans. He recommended a stronger regional focus (for example, Australia could encourage other governments in the region to prepare such plans); a clear statement of the main deficiencies in the country's human rights record currently, and how the proposed plans are likely to remedy the deficiencies; establishment of clear goals, strategies and a timetable for expected improvements; and presentation to a regional forum, in addition to any UN or other international forums, where the plans can be discussed and reviewed.⁷

7.8 The Committee welcomes the leading role that Australia has taken in drafting its National Action Plan. It endorses suggestions that the five yearly review of implementation takes place, and that Australia encourages other countries in the region to draft and present comprehensive and frank plans which are open to discussion and review in the region, as well as at the UN.

7.9 The Committee recommends that:

22. The Australian government review its National Action Plan on human rights with the aims of auditing implementation of the Plan and establishing means by which Australia may assist and encourage other states in the region to draft and implement national action plans.

Training and education

7.10 The UN High Commissioner for Human Rights referred to the importance of citizens knowing and being able to exercise and uphold rights:

Human rights education is a vaccine against intolerance, animosity and conflicts between members of different groups in our communities. ... I see human rights education as empowering individuals to stand up for their rights and those of others. I believe in the good sense of our citizens—and that people who are aware of their human rights are less likely to violate the rights of others.⁸

7.11 An issue which arose often during the course of this inquiry was the lack of information and education on human rights in Australia. The implications for Australian society, and in the broader context Australia's contribution to dialogue on human rights, are clear.

6 *ibid.*

7 Camilleri, Submission, p. 309.

8 UN High Commissioner for Human Rights, Mrs Mary Robinson, Opening Address, Sixth Workshop on Regional Human Rights Arrangements in the Asian and Pacific Region, February 1998, pp. 4-5.

7.12 The plans for human rights information and education in schools and workplaces which are outlined in the 1996-97 update of Australia's National Action Plan are limited. They refer to Civics and Citizenship Education and Racism and describe the *Discovering Democracy* program, a four year national program which has been allocated \$17.5 million to raise the levels of civic knowledge of students in schools, higher education, and adult and community education. Activities and materials will support basic democratic values such as tolerance and freedom of speech, religion and association.⁹

7.13 Also, in 1996-97, the government planned to make \$5 million available for an anti-racism education program which will incorporate public awareness and community education projects.¹⁰ In June 1998 there were reports that an anti-racism media campaign planned by the Minister for Immigration and Multicultural Affairs had been rejected by Cabinet. The report stated that the education campaign had been 'shelved until after the next election'.¹¹

7.14 The information provided in the updated National Action Plan (and described above), suggests that there is little attention paid directly to human rights information and education in school curricula and the workplace. The lack of activities to mark the United Nations Decade for Human Rights Education (which began in 1995) and the 50th anniversary year in 1998 of the Universal Declaration of Human Rights exemplifies the unhealthy state of human rights education in Australia.

7.15 A representative of the Australian Human Rights Centre and the Diplomacy Training Program at the University of New South Wales assessed the state of human rights education in Australia as 'somewhat parlous' and stated:

The UN decade for human rights education is now midway through its decade. Australia is yet to elaborate a national action plan for human rights education. The UN has now issued guidelines for national plans of action for human rights education. These were adopted by the General Assembly on 20 October 1997. Many countries report regularly to the UN about the elaboration of human rights education programs. Most recently, at the General Assembly, information was received from the governments of Algeria, Argentina, Chad, Croatia, Denmark, France, The Holy See, Italy, Japan, Norway, the Philippines, the Sudan, Tunisia, Ukraine, Austria, the Republic of Cyprus, Ghana, Japan, the Republic of Korea, Malta, Romania and Uzbekistan. Sadly, Australia was not amongst the member states of the UN who felt some obligation to report to the UN on human rights education activities.¹²

7.16 The Australian Human Rights Commissioner noted that no resources have been allocated by government to observe the 50th anniversary of the Universal Declaration or the decade for human rights education. This was occurring at a time (as prior claims of Asian

9 DFAT, *National Action Plan 1996-97 Update*, p. 71.

10 *ibid.*

11 'Cabinet shelves racism campaign', *The Canberra Times*, 12 June 1998, p. 3.

12 Diplomacy Training Program, Transcript, p. 115.

values were being promoted) when it was critically important to provide a focus on the Universal Declaration.¹³

7.17 Reaction by DFAT to the 50th anniversary of the Universal Declaration has been subdued so far. DFAT sees the anniversary as an important opportunity to reinforce activities that will strengthen the international human rights regime. The Department would like to see 'a very strong international chorus in support of the values of the universal declaration and a commitment to carry them through'.¹⁴

7.18 As noted, the activities being considered by DFAT include encouragement to ratify key human rights instruments, in line with the United Nations High Commissioner for Human Rights, who is making a key feature of her activities this year the encouragement of countries to sign the core treaties. DFAT also plans to ensure that all overdue treaty reports are completed, and the *Human Rights Manual* completely revised, by the end of 1998.¹⁵ The *Manual*, which was first published in 1993, has been a valuable and comprehensive source of information for the wider community, and an updated version should be welcomed.

7.19 Responses to the UN Decade for Human Rights Education were described as 'slow and piecemeal' by the Australian Council for Overseas Aid (ACFOA), which also noted that the Decade has never been officially launched by the previous government or this government. Discussions were begun in 1997 at the DFAT/NGO human rights consultations and this led to a contact group being established to advance plans for the Decade. The Human Rights and Equal Opportunity Commission (HREOC) is convening the contact group, which is made up of a number of government departments, together with NGOs, including the ACFOA, Amnesty International and the Australian Forum of Human Rights Organisations (AFHRO).¹⁶

7.20 A mixed reaction from government was reported by AFHRO, when it discussed human rights education, and commemoration of the 50th anniversary of the Universal Declaration:

In terms of ... human rights education, we have had a very positive and supportive response from government, and from the officers we have spoken to, to initiatives to pursue the UN decade for human rights education. I certainly feel it is a development of fundamental and long-term importance to Australia and to the observance of human rights both domestically and internationally by Australia.

In terms of the 50th anniversary, there has been less development in terms of a government response to the 50th anniversary than perhaps we might have hoped. A comparison could be made with Canada. ... [T]he Canadians launched the human rights year with the release of a human rights kit aimed at Canadian youth and which distributed the universal declaration. ... I feel that silence about the 50th anniversary from the leaders of society, whether they are government or

13 HREOC, Transcript, pp. 54-55.

14 DFAT/AusAID, Transcript, p. 267.

15 *ibid.*

16 ACFOA, Submission, p. 1255.

opposition, would send a pretty negative message about where Australia stands on human rights.¹⁷

7.21 What is needed to improve the state of human rights education in Australia, and for the purposes of this inquiry, to improve Australia's long-term ability to contribute to human rights dialogue? In its submission, the Diplomacy Training Program emphasised that appropriate and effective strategies for human rights education should emphasise popular and participatory education:

Human rights education must be rooted in the lives of learners, especially those most marginalised and vulnerable.¹⁸

7.22 The problem appears to be more than a superficial one. The Diplomacy Training Program suggested there was an urgent need to improve human rights infrastructure in Australia because capacities for human rights documentation, education and information are virtually non-existent. Few bodies are equipped to provide human rights education and training, access to primary human rights documentation or information about human rights instruments and supervisory procedures. The Program acknowledged that while modest funds are available for activities off-shore, Australian and overseas funding agencies have not been interested in developing human rights capacities and infrastructure within Australia.¹⁹

7.23 There is some capacity in the broader community to assist in human rights education. When discussing the need for human rights education in schools, organisations and government, Amnesty International's representative stated that there was great scope within its work in schools for human rights education to be expanded and brought into the context of day-to-day activities—taking the statements from the Universal Declaration and making them relevant to people in their lives. He emphasised that the structures and institutions that exist already need to be encouraged to see what is being achieved in a human rights context.²⁰

7.24 The Diplomacy Training Program's representative referred to Australian Human Rights Centre publications commemorating the UN Decade, guides to the UN human rights procedures, and to projects carried out in collaboration with the Law Society of New South Wales, the International Bar Association's Human Rights Institute and others.²¹

7.25 On a broader scale, a proposal to establish a National Committee for Human Rights Education has been developed by AFHRO. The proposal provides steps modelled on the national focal point institutions recommended by the UN Plan of Action for the Decade. The proposal provides for a national committee of 19 individuals (from government, non-government and business), and funding for an initial three year term at a cost of \$350,000, in order to:

- assess existing needs of the Australian community in relation to human rights education;

17 AFHRO, Transcript, p. 134.

18 Diplomacy Training Program, Submission, p. 246.

19 *ibid.*

20 Amnesty International, Transcript, p. 87.

21 Diplomacy Training Program, Transcript, p. 116.

- consider and develop means and strategies for the delivery of human rights education through education, workplace and community channels;
- plan strategies to make use of the most effective means of communications to promote human rights and the values of universal dignity and respect;
- build networks between government, community and business sectors to maximise sharing of resources, expertise and experience in relation to human rights education;
- work with the media to strengthen its capacity in relation to human rights education;
- disseminate and promote the rights and values of the Universal Declaration; and
- provide advice to government in respect of matters related to human rights education.²²

If established, the national committee's first, three-year term, would be followed by a review, with possible reappointment until 2004, when the Decade expires. The outcomes at the end of the first term would include a report containing an audit of the human rights education needs of the Australian community, assessment and identification of key initiatives under way, development of a national action plan for human rights education, focusing on areas of greatest need, the provision of encouragement, advice and assistance to agencies in respect of human rights education in areas of greatest need, reporting, assessment and review of progress towards the delivery of comprehensive human rights education in Australia.²³

7.26 While it acknowledges the willingness of government and NGOs to further education in human rights within the Australian community, the Committee is concerned at what appears to be a lack of resources and coordinated efforts to bring information and awareness of the international human rights system and fundamental human rights into the lives of ordinary Australians. The UN Decade for Human Rights Education and the 50th anniversary year of the Universal Declaration of Human Rights provide an excellent opportunity to review the state of human rights education in Australia, and to establish the means of providing for that education to be improved where necessary.

22 Exhibit 30(b): AFHRO, 'A National Committee for Human Rights Education, A proposal for the establishment of a national committee for human rights education consisting of representatives from government, non-government organisations and business', April 1998, p. ii.

23 *ibid.*, pp. ii-iii.

7.27 The Committee recommends that:

23. The Australian government both initiate its own proposals and give favourable consideration to outside proposals that accord with United Nations guidelines and recommendations to mark the United Nations Decade for Human Rights Education and the 50th anniversary of the Universal Declaration of Human Rights.

Centre for Democratic Institutions

7.28 The Minister for Foreign Affairs has announced the establishment of a Centre for Democratic Institutions (CDI), to be hosted by the Australian National University. Over five years, the government will provide up to \$5 million to establish and run the Centre, which will be aimed at promoting democracy and effective government in developing countries and will provide practical training for parliamentarians, senior administrators, journalists, community leaders and others influential in governance.²⁴

7.29 When discussing the CDI, the Minister said it would be devoted to providing practical support for the consolidation and strengthening of democratic institutions in developing countries included in Australia's aid program. The focus of the CDI's training programs will be on electoral, parliamentary, judicial and human rights institution-building, and the processes by which broader society can contribute to democratic decision-making. The Minister has said he intends the Centre to be the flagship of the government's good governance initiatives.²⁵ The Committee notes the appointment of Mr Roland Rich as the CDI's first Director.²⁶

7.30 The lack of specific training on human rights at the proposed Centre has been seen as a missed opportunity. While considering it premature to comment on the contribution that the Centre may make to regional discussion on human rights, to ACFOA it was clear that the Centre's mandate is not human rights, but technical assistance focused on good governance. ACFOA's understanding is that this assistance will be non-prescriptive of any particular model of democracy and as yet makes no detailed commitment to human rights. Such models may be culturally sensitive, but ACFOA does not consider they necessarily promote understanding of international human rights standards as embodied in the Universal Declaration and associated treaties.²⁷

7.31 The lack of a national body with a mandate to foster dialogue and understanding on human rights between Australia and the region is a matter of concern to ACFOA; it considers such a body would benefit Australia and the region:

Australia is massively engaged with Asia at every level except in the realm of human rights—contact which can best be described as ad hoc.²⁸

24 *ANU Asia*, March 1998, p. 1.

25 Speech by the Hon Alexander Downer, MP, 'Australia's foreign policy: advancing our national interests', to the Joint Services Staff College, Canberra, 5 March 1998, p. 11.

26 Minister for Foreign Affairs, *Media Release*, AA52, 23 June 1998.

27 ACFOA, Submission, p. 1255.

28 *ibid.*

7.32 Community Aid Abroad (CAA) also considered that the focus of training at the Centre would be on good governance and democracy. As 'good governance' is a new term which does not have clear standards, in CAA's view, it would be far more useful to bring in human rights training, based on the human rights framework which is a universal one, with universally agreed standards.²⁹

7.33 While not wishing to prejudge arrangements for the work of the Centre for Democratic Institutions, in the Committee's view it would be appropriate for the Centre to provide a focus for regional discussion specifically on human rights, as well as on technical assistance towards good governance.

7.34 The Committee recommends that:

24. The Australian government ensure that the mandate of the Centre for Democratic Institutions allows for the establishment and maintenance of a focus on human rights generally, and dialogue on human rights in particular.

Mainstreaming human rights

7.35 Some submissions referred to the need for mainstreaming, or a whole-of-government approach to human rights. When suggesting measures to reinforce commitment to universal and indivisible human rights, Amnesty International drew attention to the need to integrate and coordinate human rights across all areas of government activity, stressing that human rights should not be seen as something that could be quarantined to one particular area of government activity: foreign affairs.³⁰

7.36 Amnesty sought the coordination of human rights policy and activity across Federal and State governments, and the identification of a mechanism which would establish such coordination. This mechanism would: develop Australian government strategies on the best means of promotion and protection of human rights; ensure consistency across departments and ministries; analyse reports from diplomatic posts on human rights; advise on the preparation of Australia's reports to the international treaty bodies; coordinate the most effective means to achieve improvements in the success rate of individual cases of human rights abuse raised by Australian missions overseas; and report on the implementation of human rights policy to this Committee.³¹

7.37 This 'wish list' might be achieved, at least in part, by the appointment of an Ambassador for Human Rights. Such an appointment might also solve another problem which arises in pursuing a national human rights agenda in a federal system: the need to involve governments at various levels.

7.38 Mr Bill Barker mentioned that a number of Scandinavian countries have appointed human rights ambassadors who are able to take the lead in human rights dialogue. Within the public services of those countries, the ambassadors become a focal point at a senior level for the pursuit of human rights issues. The persons appointed are also, usually,

29 CAA, Transcript, pp. 250-251.

30 Amnesty International, Transcript, p. 78.

31 Amnesty International, Submission, p. 694.

the leader of the country's delegation to the UN Commission on Human Rights and other UN meetings, so that they have an opportunity to interact at the international level with other like-minded countries.³²

7.39 The Australian government has already appointed an Ambassador for the Environment and an Ambassador for Disarmament, so the concept is not unknown to our government. The Committee is persuaded that the appointment of an Ambassador for Human Rights would go some way towards allowing human rights programs and policy to be as prominent and coordinated a part of government activity as they deserve.

7.40 The Committee recommends that

25. The Australian government give consideration to the appointment of an Ambassador for Human Rights with responsibility, among other things, for the development of policy and programs on the promotion and protection of human rights.

Parliament

7.41 The role of the Australian Parliament in promoting human rights has a number of aspects. For instance, in December 1996 the Prime Minister commemorated International Human Rights Day by moving a motion referring to the strong commitment of the Parliament and the people of Australia to the Universal Declaration of Human Rights and to the support given by all Australian governments since 1948 for international recognition and enhancement of the universality and indivisibility of human rights.³³ The 50th anniversary of the Universal Declaration presents an opportunity for a similar resolution, in AFHRO's view.³⁴

7.42 A less public role has been taken up by some Australian Parliamentary delegations. Most such delegations are briefed by DFAT on human rights issues and this allows delegation members to raise human rights concerns during their visits, although those visits may not necessarily have a specific human rights agenda.

7.43 The Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) considered that human rights dialogue has been carried on by government and parliamentary delegations with an acknowledged human rights agenda. These visits provide an opportunity to monitor and discuss human rights situations. The parliamentary visit to Vietnam in 1995 was seen to have contributed to the human rights regime in that country.³⁵

7.44 STARTTS suggested follow-up visits be made to this and other countries in the region, and the government should facilitate reciprocal visits to Australia by human rights delegations from other countries, to maintain a climate of openness and mutual accountability. Visitors might include representatives of ethnic or national groups which

32 Barker, Transcript, p. 366.

33 Hon John Howard, MP, *House of Representatives Hansard*, 10 December 1996, p. 8110.

34 AFHRO, Transcript, p. 135.

35 STARTTS, Submission, p. 343.

might not otherwise be able to meet freely with the Australian government and people to make their views known.³⁶

7.45 The development of models for interparliamentary co-operation for human rights was suggested by HREOC. In this region, HREOC noted, there are few mechanisms in which parliamentarians can debate and discuss advancement of the work of human rights.³⁷ However, according to DFAT, regional workshops and meetings at which human rights issues feature, often include the Inter-Parliamentary Union and the Asia Pacific Parliamentary Forum. Women's and children's rights have been discussed, and resolutions adopted, in these forums in the last few years.³⁸

7.46 The role played by Amnesty International's Parliamentary Group has already been noted in Chapter Three. This Group is instrumental in passing information to DFAT on individual cases of human rights violations, so that official representations may be made to the governments of the countries concerned.

Non-government organisations

7.47 Governments are not the only actors with a significant role to play in the promotion of human rights. The current and indeed the potential role of organisations and groups outside government is significant.³⁹ Traditionally, NGOs have played a fundamental role in delivery of aid, but in more recent times it has been acknowledged that they have expanded towards a more direct and educational contribution to human rights.

7.48 The Minister for Foreign Affairs has commended the role of NGOs in the promotion and protection of human rights. He acknowledged that governments and NGOs have different but complementary roles—NGOs have a special capacity for 'witnessing and advocacy' which cannot be replicated by government, and government has a capacity for representation and direct diplomacy, which is not usually within the capacity of NGOs. Government's action may often be less public and there may be disagreements over the approaches and objectives, as there are disagreements within the NGO groups, but the Minister saw this as a feature of healthy democracy.⁴⁰

7.49 Australia's aid program is heavily reliant on NGOs, which play a direct role in the delivery to developing countries of projects which are often funded by government. While the Australian community provides support to its NGOs in their work, the official aid program also backs up many NGO projects. NGOs also play a particular role in standard setting through their specialist input into the development of international instruments, such as the CROC. Different NGOs have different capacities and areas of expertise, for example, Amnesty International focuses on special human rights issues, exclusively, while others may focus on women's or indigenous rights.⁴¹

36 *ibid.*

37 HREOC, Transcript, p. 50.

38 DFAT/AusAID, Submission, p. 864.

39 DFAT, *Human Rights Manual*, 1993, p. 85.

40 The Hon Alexander Downer, MP, Address at Consultations between the Department of Foreign Affairs and Trade and Non-Government Organisations on Human Rights, Canberra, 30 July 1996, p. 7; at DFAT/AusAID, Submission, p. 889.

41 DFAT, *Human Rights Manual*, 1993, p. 85.

7.50 With respect to a capacity for training in human rights, NGOs have considerable expertise which is available to the corporate sector. For instance, in 1997, in conjunction with Amnesty International, ACFOA conducted human rights training for Western Mining Corp. ACFOA reported that discussion focused on the Universal Declaration, human rights guidelines for security forces and case studies of human rights abuses on mining sites in Indonesia and Burma. Discussions continue with Western Mining about human rights in the Philippines and ACFOA's Human Rights Office has participated in a seminar on sustainable development which was convened by CAA and Placer Pacific in 1997.⁴²

7.51 Some submissions suggested a key role for NGOs was in the field of education on human rights. The Diplomacy Training Program stated that in its experience, NGOs in the region are best placed to provide training, to convene forums and to organise activities designed to promote a continuing dialogue which affirms the fundamental principles of human rights. By supporting regional organisations which provide human rights education (such as the Diplomacy Training Program), the Australian government can contribute significantly to the promotion of objectives of the UN Decade for Human Rights Education.⁴³

7.52 Protecting and acknowledging NGOs in their work was also a focus of some evidence to the Committee. Harassment of regional NGOs, including curtailment of their right to freedom of association, was noted by Dr Ian Barns. He requested that the government provide more practical support for the work of NGOs in the region, not only regarding specific human rights issues, but more generally to the creation of social, economic and political conditions within which people may achieve sustainable livelihoods.⁴⁴

7.53 A number of measures were suggested by the AFHRO to improve the use that is made of NGO capacity in human rights:

Australia already has a very good record of consultation with community groups on human rights issues, and on a range of issues that impact on human rights, such as aid. A practice that is more prevalent in other contexts ... which might be suggested in the human rights context, is greater use of NGO representatives in government delegations attending human rights meetings.... In terms of improving our effectiveness, the reduction of funding for human rights agencies is also an issue that needs to be looked at ... [T]hat inevitably has an impact on the ability of Australia to play a role in the region and more broadly in human rights advocacy.⁴⁵

7.54 AFHRO also suggested that the Australian government should increase its contact with Asian NGOs. It reported that a number of Australian NGOs were pressing this. This was particularly relevant in terms of arguments about cultural relativity which are promoted by some Asian governments. As AFHRO noted, Asian NGOs express a different view from

42 ACFOA, Submission, p. 1256.

43 Diplomacy Training Program, Submission, p. 246.

44 Barns Dr I and TEAR Australia, Submission, p. 262.

45 AFHRO, Transcript, p. 138.

their governments, so that to obtain the wider Asian view on human rights questions, it is necessary for the Australian government to take account of the comments of NGOs in Asia.⁴⁶

7.55 Improving links with non-government sources and the need to take account of information available from Asian NGOs, was referred to in some detail by STARTTS. Its clients had noted that the Australian government's assessment of human rights situations in the region is heavily reliant on host government information and the resources of the local Australian mission. In their view, the missions often lacked access to remote regions and areas of conflict as well as staff with necessary skills. As an example, the prevalence of rape and sexual abuse was often underestimated in assessments and variations in conditions across a country might not be noticed. The result is that the Australian government is less informed in its human rights dialogue and its decisions on refugee status applications may be flawed by inadequate information.⁴⁷

7.56 NGOs also have a flexibility of action and a liberty of movement which governments do not enjoy.⁴⁸ By complementing government and embassy information sources through closer links with local human rights organisations around the region, the Australian government would stand to gain a wider and more accurate assessment of the situation, in STARTTS' view. In turn this would enable a more informed and fruitful human rights dialogue, among other things. STARTTS commended Australia's role in training and funding support for regional human rights NGOs and building links with them, and encouraged more of this.⁴⁹

7.57 An emphasis on the positive effect that can result from networking was made by Transparency International Australia, an international movement which focuses exclusively on curbing corruption. Its representative referred to the contribution the organisation could make to human rights dialogue through the building of strong civil coalitions and networking between them. He gave as an example the presence of Transparency International in Papua New Guinea where the national chapter heads a coalition of more than 12 organisations including women's and youth groups, trade unions and business organisations. The coalition had raised the issue of corruption in the elections, drafted legislation on an anti-corruption commission, and raised awareness through local activities and media coverage. It was also delivering education programs at the secondary and tertiary levels.⁵⁰

7.58 The Committee commends and supports the work of non-government organisations in their promotion and protection of human rights. The Committee recommends that:

26. The Australian government review its relationship with non-government organisations involved in human rights, including matters

46 *ibid.*, p. 135. A similar point was made by the Human Rights Council of Australia, which noted the views of 2000 NGO representatives at the Bangkok conference in 1993 were contrary to the Asian values being promoted by governments in the region. Also, the assistance given to NGOs from the region to attend the Vienna conference was welcomed. Human Rights Council of Australia, Transcript, p. 97.

47 STARTTS, Submission, pp. 342-343.

48 Peebles, Submission, p. 1049.

49 STARTTS, Submission, pp. 342-343.

50 Transparency International Australia, Transcript, p. 153.

such as the adequacy of funding, and the degree of consultation and participation it offers.

Business

7.59 The role that might be played by business in protecting and perhaps in promoting human rights in the region was canvassed in some evidence to the inquiry. Amnesty International pointed to an increasing awareness that the effective promotion of human rights in the region required an approach that went beyond a focus on states. It referred to its work with the business community and the increasing influence that business has in the region.⁵¹

7.60 Trends towards better ethical practices by the corporate sector, questioning of some practices of multinational corporations, and voluntary codes of conduct were perceived by the Human Rights Council of Australia. Its representative referred to dialogue on specific sectoral and thematic issues between some human rights NGOs and the corporate sector in Victoria and noted that a number of organisations are addressing the problems brought about by child labour.⁵²

7.61 The success of the St James Ethics Centre in Sydney was seen to indicate the interest of the corporate sector in improved human rights practices. While interest was not yet substantial, the Human Rights Council of Australia's representative suggested there was a role for Australia to play in building on the momentum. The Council representative considered that such interest was not simply an attempt to enhance the corporate image in response to consumer groups, but could also relate to the loss of productivity and interference with markets that may result from condoning or participating in human rights abuses. That is, there is growing recognition of the business advantages to abiding by human rights standards.⁵³

7.62 Briefings on human rights have been provided to business by relevant NGOs.⁵⁴ CAA referred to the willingness by mining companies to discuss human rights concerns with NGOs. As has been noted, CAA has participated in human rights training with mining companies, and discussed with them the social implications of mining for the local communities. CAA would welcome government participation in such discussions, particularly around codes of conduct, so that greater weight would attach to the discussions and understanding between NGOs, business and government would be facilitated.⁵⁵

7.63 According to Amnesty International, the Australian government should consider setting up a tripartite working group, including business, NGOs and government, to look into establishing human rights guidelines or a code of conduct that would include within it human rights principles. According to Amnesty, businesses are prepared to look into this, are concerned about the role they can play, and many NGOs would wish to participate in this step. The Australian government might also wish to support initiatives where businesses

51 Amnesty International, Transcript, p. 89.

52 Human Rights Council of Australia, Transcript, p. 99.

53 *ibid.*, pp. 100-101.

54 *ibid.*, p. 101.

55 CAA, Submission, p. 975.

which want to promote human rights in regional areas where they operate or invest can be encouraged.⁵⁶

7.64 According to ACFOA, all NGOs would welcome the government's re-engagement in broad NGO/corporate discussions and it recommended the government takes the initiative to hold a round table discussion between interested players on human rights and corporate practice in the region.⁵⁷

7.65 The Committee is conscious of the considerable capacity and expertise of NGOs involved in human rights and welcomes the suggestions made for government to join discussions on human rights with NGOs and the corporate sector.

7.66 The Committee recommends that:

27. The Australian government convene discussions with NGOs and the corporate sector with a view to establishing agreement on a co-operative approach to the promotion and protection of human rights, including the development of voluntary codes of conduct for the protection of human rights.

Other approaches

7.67 The wealth of resources that are available to promote human rights, and are currently under-used, was highlighted in a number of submissions. For instance, Dr Carol O'Donnell focused on the promotion of good health as a key means of moving towards achieving the goals of human rights. One of the reasons for this view is that the notion of health and risk to health is less politicised than the concept of human rights and assistance by way of health promotion is immediately useful.⁵⁸ The implication of this view is that a relationship is begun which is based on co-operation and respect, rather than political considerations, and is therefore more likely to withstand tensions that may arise later when human rights issues may be specifically addressed.

7.68 Dr O'Donnell suggested that there would be a greater receptiveness to dialogue on human rights if it were approached more on the level of what is useful to ordinary people, in their everyday lives, rather than moving through debate and division at a high level of government.⁵⁹ Universities, because of their independence, lack of politicisation and their particular role in society, are well placed to promote human rights, trade and health. Dr O'Donnell advocated the development of a national plan for research and development information, education, monitoring and evaluation to support sustainable development, health and human rights.⁶⁰

7.69 One of Professor Camilleri's suggested means of improving dialogue was the establishment of a 'Track-Two Human Rights Regional Forum'. This would build on the work of the Asia-Pacific Workshops on Human Rights and would bring together academics,

56 Amnesty International, Transcript, p. 89.

57 ACFOA, Submission, p. 1256.

58 O'Donnell, Transcript, p. 145.

59 *ibid.*, p. 147.

60 *ibid.*, pp. 142-143.

community leaders, NGOs, and experts from the United Nations and other human rights organisations, business, government officials and experts (in a non-official capacity), to:

- promote human rights education strategies;
- consider the role of national and regional institutions in the implementation of human rights; and
- submit proposals for consideration by governments.⁶¹

Governments which were averse to a higher-level, official organisation may be open to a regional forum which was more informal, comprising experts, business people, academics, and others. Such a forum could be set up reasonably quickly, in Professor Camilleri's view, whereas establishment of a regional forum comprised of governments would take some time.⁶²

7.70 The need for improvements to Australia's domestic awareness of human rights was also emphasised by Professor Camilleri. Our human rights diplomacy will be hollow and hypocritical unless based on a rich human rights culture within Australia, in his view. This requires higher levels of community knowledge of the national and international human rights laws and standards to which Australia is committed. In practice, without an informed public, governments will not have the confidence required to take the necessary initiatives.⁶³

7.71 A well-coordinated and adequately resourced human rights community awareness campaign should therefore be considered a high priority, according to Professor Camilleri. The campaign he envisages would aim to:

- disseminate the texts of human rights instruments;
- promote a higher media profile on human rights issues; and
- encourage human rights education in the school curriculum.

This would involve state, local, and federal government, educational institutions, the media, business, trade unions, regional and other NGOs, and the campaign should be initiated by a revamped and expanded national human rights commission, or by a new national human rights council.⁶⁴

7.72 It has become obvious that there is a lack of knowledge and understanding of the international human rights instruments and their implications for Australia. The Committee deplores the actions of some members of Australian society who demonstrate not only a clear lack of interest in human rights, but also a lack of respect for those rights.

7.73 The Committee endorses the value of the activities outlined by Professor Camilleri in his proposed community awareness campaign. In the Committee's view, the proposal to establish a national committee to pursue the aims of the United Nations Decade for Human Rights Education (discussed earlier in this chapter) would encompass many of the aims of Professor Camilleri's suggestion.

Regional Arrangements

61 Camilleri, Submission, p. 309.

62 Camilleri, Transcript, pp. 231-232.

63 Camilleri, Submission, p. 306.

64 *ibid.*, pp. 306-307.

National human rights institutions

7.74 National human rights institutions generally are charged to submit recommendations and report on human rights matters to government or parliament. They promote conformity of national laws and practices with national standards, receive and act on complaints of human rights violations, encourage ratification and implementation of international human rights standards, and contribute to reporting obligations. They may also promote awareness of human rights through information and education, and carry out research and cooperate with the UN, regional institutions and national institutions of other countries and non-government organisations.⁶⁵

7.75 The importance of national human rights institutions was made clear by HREOC, as a means of:

... mobilising action in favour of human rights in relevant countries and of encouraging governments to work toward improved observance of human rights standards.⁶⁶

National institutions have an important role in encouraging governments to ratify international human rights standards. ... Among national institutions practitioners in the field of human rights, there is ready agreement on the fundamental importance of the observance of all internationally recognised human rights standards and on the importance of all categories of human rights. Practitioners steer clear of theoretical debates about "Asian values", the right to development or economic, social and cultural rights versus civil and political rights. The annual reports of the Human Rights Commissions of the Philippines, India and Indonesia, as well as the Commission's own, bear out the degree to which concerns over the observance of the full range of human rights set out in international standards are shared.⁶⁷

7.76 The First Asia Pacific Regional Workshop of National Institutions in July 1996 was organised by HREOC, in conjunction with the New Zealand Human Rights Commission and held in Darwin. The Workshop was attended by national human rights institutions from Australia, New Zealand, Indonesia and India, and government representatives from the region, as well as several NGO observers. The Workshop adopted the Larrakia Declaration which reaffirmed the universality and indivisibility of human rights and asserted the value of national institutions as a contributor to the promotion of human rights in the Asia Pacific.⁶⁸

7.77 The key feature of the First Regional Workshop was the decision to set up an Asia Pacific Forum of National Human Rights Institutions. The Forum secretariat, based in Sydney, is staffed by HREOC. The strong support of the Australian government (which has provided \$275,000 over three years) and the New Zealand government towards funding the secretariat for the Forum was acknowledged by HREOC.⁶⁹

65 HREOC, Submission, p. 1175.

66 *ibid.*, p. 1181.

67 *ibid.*

68 DFAT/AusAID, Submission, p. 861.

69 HREOC, Submission, p. 1178.

7.78 The Second Asia Pacific Regional Workshop of National Institutions met in New Delhi in September 1997. Its concluding statement reaffirmed commitment to the universal, indivisible, interdependent and interrelated nature of human rights contained in the Universal Declaration and other international instruments.⁷⁰ Participants agreed that membership required meeting the criteria for independence, integrity and scope of function set out in the Principles Relating to the Status of National Institutions (the Paris Principles). At this meeting, the Forum decided to increase its efforts as a focus of regional, multilateral and bilateral programs of technical assistance and gave special emphasis to the need to develop a culture of human rights through basic work and wide dissemination of information about human rights and the role of national institutions.⁷¹

7.79 While there is an uneven commitment to the international human rights treaty system in the region, the establishment of effective national human rights institutions in the region is proceeding 'vigorously', according to HREOC. There are six national human rights institutions in the Asia Pacific region: New Zealand (established in 1977), Australia (1981), the Philippines (1987), India (1993), Indonesia (1993) and Sri Lanka (1997).⁷²

7.80 Work is also advanced towards establishing national institutions in Bangladesh, Mongolia, Papua New Guinea and Nepal. While the institutions vary in their structures, capacities and resources, HREOC states that they are substantial organisations for the strengthening of human rights, democracy and civil society in their countries. For instance, the Indian National Human Rights Commission takes action on more than 3,000 complaints per month.⁷³ The importance of the work of the Indonesian National Human Rights Commission was highlighted during the demise of the Suharto government and it continues to provide essential analysis and comment on the human rights situation in Indonesia.

7.81 Australia, through HREOC, has played an effective role in promoting the development of domestic human rights commissions in the region. HREOC reported it assists states that are willing to do so to establish their own mechanisms for the protection of human rights, appropriate to their own political, economic, social and cultural systems.⁷⁴

7.82 DFAT referred to the emphasis placed by the government on practical outcomes, and the exemplification of this in the work undertaken towards development of national institutions in the region. The aims of this work include developing an effective network of human rights institutions, and enabling shared expertise and cooperative work. In DFAT's view, this kind of cooperation and dialogue has an important role in taking human rights activity in the region forward.⁷⁵

7.83 While it acknowledged the support of the Australian government, through AusAID, for the Forum Secretariat, HREOC noted that the Forum is not and should not become an Australian organisation. As a result, the Secretariat is seeking funding from donors other than Australia for projects developed within the Forum. HREOC's view of the Forum was that it has the support of all the national human rights institutions in the region

70 *ibid.*, p. 1179.

71 *ibid.*

72 *ibid.*, pp. 1176-1177.

73 *ibid.*, p. 1177.

74 HREOC, Submission, p. 1175.

75 DFAT/AusAID, Transcript, p. 7.

and its membership will likely grow to 12 members over the next two or three years, providing a significant and positive voice in support of human rights.⁷⁶

Other regional forums

7.84 The role that might be played by ASEAN and its Regional Forum (ARF) in human rights dialogue has already been canvassed, to some extent, in Chapter Three. As noted there, ASEAN's activities are based on an understanding that member states will not interfere in each other's affairs. The result is that scope for human rights activities appears limited.

7.85 There have been developments that do give some cause for optimism. Australia's Foreign Minister Downer has seen some scope for ASEAN. He has referred to the potential role for ARF in security dialogue and dispute resolution, and expressed interest in the possibility of developing a 'Good Offices' role for the ARF Chair.⁷⁷ In the Committee's view, such a role might be expanded to take in the protection of human rights, at least in the context of its contribution to regional security and stability. This role could link well with the ASEAN Human Rights Mechanism, whose activities so far have been inconclusive⁷⁸ as well as with one of the broad range of measures suggested by Professor Camilleri.

7.86 Amongst the suggestions made for improvement of regional dialogue by Professor Camilleri was the establishment of regular ministerial meetings. This could be achieved in different ways. For instance, it could bring together ministers with responsibility for national human rights institutions, or foreign ministers. Also, human rights issues could be included on the agenda of the ASEAN Regional Forum (ARF), and any other regional organisation (for example, APEC), whose functions are likely to impinge on human rights issues (for example, labour rights).⁷⁹

7.87 In the first instance, meetings convened specifically to discuss human rights issues might meet irregularly and informally, but, over a five-year period, they may become an annual event, with a more systematic agenda. A degree of informality in the proceedings and a consensual approach to decision making would likely make for a more productive exchange of views. In the longer time, as such an initiative gained acceptance, it would help pave the way for adoption of a regional convention or charter on human rights.⁸⁰ This kind of suggestion, which is relatively informal and involves substantial reliance on current forums, is appealing for its practical approach and broad potential.

7.88 In its report *Australia and ASEAN: Managing Change*, this Committee recommended that the Australian government encourage ASEAN states to ratify and implement international human rights instruments as an integral part of their responsibilities in the international order⁸¹ and that the government ensure human rights issues are an integral part of emerging dialogues with ASEAN countries on regional development co-operation,

76 HREOC, Submission, pp. 1180-1181.

77 The Hon Alexander Downer, MP, 'Australia's Foreign Policy: Advancing our National Interests', Speech to the Joint Services Staff College, Canberra, 5 March 1998, pp. 7-8.

78 DFAT/AusAID, Submission, p. 864.

79 Camilleri, Submission, p. 311.

80 *ibid.*

81 Joint Standing Committee on Foreign Affairs, Defence and Trade, *Australia and ASEAN: Managing Change*, 1998, p. 121.

economic and security issues.⁸² In working to rebuild confidence in the region, ASEAN might well include consideration of human rights.

A regional framework

7.89 The lack of a regional human rights convention or human rights body (referred to in Chapter Three) has been remarked on by many people:

In Asia and the Pacific, there is neither a treaty dealing with human rights issues nor a human rights commission. There is no regional court. Yet in this part of the world, some of the worse abuses of human rights have occurred. ... The need for a convention in Asia and the Pacific on basic rights and machinery to enforce such a convention must be accorded a high priority by those concerned about the protection of basic rights in the world. Many human rights bodies have proposed such an initiative. But how is the objective to be secured? Perhaps one starting point would be to separate Oceania from Asia and to attempt to secure such a treaty and enforcement bodies for the Pacific states, many of which share common historical and legal links and enjoy generally high standards of respect for human rights.⁸³

7.90 The need to concentrate on a smaller, less diverse area when formulating plans for a regional framework, was also raised by David Peebles.⁸⁴ His view is that the difficulty arises from attempting to create a single mechanism to cover countries that are too diverse and dispersed.⁸⁵

7.91 Mr Peebles' submission traces the history of attempts by the United Nations to encourage the development of a regional arrangement; he considers the issue gained a new prominence in the 1990s, particularly through the United Nations Workshops, beginning in 1990 in Manila. After the Fifth UN Workshop on Regional Arrangements for the Asia-Pacific Region, in Amman in 1997, DFAT concluded that the establishment of a regional arrangement is a long-term goal.⁸⁶

7.92 The need for Australia to be a party to any debate on establishing a regional human rights body was remarked on by AFHRO, although it acknowledged the risks associated with involvement in a body that may incorporate concepts of cultural relativity.⁸⁷ The development of an Asia Pacific human rights system was seen by AFHRO as an important element in making human rights more appealing within the region. It saw a treaty and a regional body as an 'eventual development'. One step on the road to the development of

82 *ibid.*, p. 124.

83 Justice Michael Kirby, AC CMG, 'Human Rights: An Agenda for the Future', in *Rethinking Human Rights*, *op. cit.*, p. 19.

84 Peebles, Submission, p. 1024.

85 *ibid.*, p. 1015.

86 *ibid.*, p. 1017, quoting DFAT, 'Asia Pacific Regional Arrangements—Amman', (1997) No. 5, *Human Rights and Indigenous Issues Newsletter*.

87 AFHRO, Transcript, p. 131.

an Asia Pacific human rights law was under way—the development of a judicial advisory board, which would provide advice to the different national human rights institutions.⁸⁸

7.93 In the previous chapter, risks associated with a regional body and a regional treaty were canvassed. Human Rights Commissioner Sidoti accepted that, in the general view of things, the Asia Pacific area should have a regional arrangement. But:

... unless we have strong adherence to the existing universal treaties by states in this region, my fear is that any regional treaty would be a lowest common denominator treaty that would in fact have the effect of undermining international global standards rather than providing a regional means for their implementation.⁸⁹

7.94 While he was aware of the danger that a regional treaty incorporating cultural relativity might pose to international standards, Professor Camilleri was not persuaded by the argument. His view was that the international instruments could be improved, and that discussions should be commenced with Asian governments towards a regional treaty.⁹⁰

7.95 If those governments pressed for priority for social and economic rights over civil and political rights, they should be pressed to explain their definitions and their reasoning. In his view, the important matter was to engage the governments in discussion on issues that they consider important. There has been progress towards more democratic societies, and priority to human rights. A regional charter may initially be jointed by six to eight countries, but others may join later.⁹¹

7.96 The risks associated with this strategy might be regarded as unreasonably high. CAA supported the view that the process be achieved by first establishing national human rights institutions, and encouraging ratification of the international covenants, before moving to a regional human rights body.⁹²

7.97 DFAT, along with others, sees the establishment of a regional human rights arrangement as a long-term goal. It referred to the conclusions of the Working Group which convened in Geneva after the Amman Workshop in 1997, which:

... recognise the incremental nature of the process, affirming that "the establishment of a regional arrangement would have to be on a step-by-step basis, with the sharing of information, the building of national capacities, and the establishment of confidence building measures".⁹³

7.98 The Committee accepts the need for a regional human rights framework, however it is not persuaded that steps towards this end should take priority over measures and resources directed to strengthening commitment to the UN instruments and processes.

International

88 *ibid.*, p. 132. As to the judicial advisory board, see also HREOC, Transcript, p. 49.

89 HREOC, Transcript, p. 61.

90 Camilleri, Transcript, p. 234.

91 *ibid.*

92 CAA, Transcript, p. 254.

93 DFAT/AusAID, Submission, p. 845.

United Nations

7.99 The UN is much criticised for being unwieldy, politicised, and ineffectual. However, most submissions indicated support for the UN human rights system, particularly the treaties:

Of course the U.N. mechanisms have not applied human rights standards in a non-selective, impartial fashion. But this is not an argument for scrapping standards, rather one for improving the U.N. human rights system and finding new ways of ensuring that international human rights law is respected by all countries, irrespective of their size, power, economic growth rate or attractiveness as trading partners.⁹⁴

The UN processes and instruments remain critically important, particularly in the absence of a regional framework.

7.100 The UN Commissioner for Human Rights has referred to the particular importance of national human rights institutions:

National human rights institutions are by their very nature well placed to transform the rhetoric of international instruments into practical reality at the local level. Because they are national they are able to accommodate the challenges posed by local conditions and cultures, respecting ethnic, cultural, religious and linguistic diversity in implementing internationally agreed human rights principles.⁹⁵

7.101 Australia has played a leading role on the resolution on the development of national institutions for the promotion and protection of human rights, which was adopted at the UN Commission on Human Rights.⁹⁶ There has been increasing interest in establishing national human rights institutions in this region, and beyond, and the High Commissioner for Human Rights has been urged to ensure support for national institutions continues. The importance of a mechanism to allow national institutions to take part in meetings of the Commission on Human Rights, and other relevant forums, in their own right, was stressed in the 1997 resolution.⁹⁷

7.102 When discussing its views on the priorities for Australia in human rights, ACFOA upheld the Universal Declaration as the 'underpinning matrix'. ACFOA cited Mrs Mary Robinson's description of it as one of the great documents of world history, and suggested that what was needed was not new standards, but application and implementation of the standards which have already been agreed and are universal. The right focus, according to ACFOA, was on 'unfinished business', particularly in the area of social and economic rights:

94 Human Rights in China, Submission, p. 201.

95 UN High Commissioner for Human Rights, Mrs Mary Robinson, Opening Address to Sixth Workshop on Regional Human Rights Arrangements in the Asian and Pacific Region, 28 February 1998, p. 6.

96 DFAT/AusAID, Submission, p. 847.

97 *ibid.*

As Mary Robinson said, we tamper with the UDHR at our peril and it would end up being a distraction. We have a responsibility to victims and to community groups whose human rights are not being respected or upheld not to tinker with the UDHR, because it is the expression of their aspirations and yearnings and the major protection in place at this point in time for them.⁹⁸

7.103 The Committee agrees that adherence to the Universal Declaration should form the basis of our human rights activities.

United Nations workshops

7.104 United Nations human rights initiatives which are of particular relevance to considerations in this chapter are the workshops on regional human rights arrangements. These have begun to focus heavily on national institutions. At the Fourth United Nations Asia Pacific Workshop on Regional Human Rights Arrangements (held in Nepal in 1996), the focus was on practical measures that could be undertaken on an incremental basis to develop regional arrangements; the final declaration considered that initially arrangements could focus on supporting and reinforcing action at a national level on issues such as establishing and strengthening national institutions and the development of national action plans.⁹⁹

7.105 The Fifth United Nations Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asia Pacific (held in Amman, Jordan in 1997) concluded with broad support of regional human rights arrangements and focused on supporting and reinforcing action at a national level on establishing and strengthening national institutions. Also the Workshop called for the formation of a United Nations Technical Co-operation Program to promote cooperation on human rights issues in the Asia Pacific region. DFAT stated that its main objectives had been successfully promoted, including establishment of Australia as a legitimate and constructive participant in this regional forum, and keeping alive the idea of the eventual establishing of a regional human rights arrangement.¹⁰⁰

7.106 The Sixth United Nations Workshop on Regional Arrangements (held in Tehran in 1998) meeting reached agreement on a framework for a technical cooperation program to enhance national human rights capacities in the region, with particular mention of the importance of national human rights institutions.¹⁰¹

7.107 DFAT referred to its own encouragement for the work on national human rights institutions to be integrated into the core activities of the Office of the High Commissioner for Human Rights (through work on the human rights institutions resolution at the 54th Session of the Commission on Human Rights). To date, funding for this work has been heavily reliant on Australia, which has provided \$1.2 million since July 1995. Contributions are now forthcoming from New Zealand, Latvia, Sweden and Ireland.¹⁰²

98 ACFOA, Transcript, pp. 304-305.

99 DFAT, *Human Rights and Indigenous Issues Newsletter*, Issue 2, May 1996, p. 1.

100 DFAT/AusAID, Submission, pp. 844-845.

101 DFAT/AusAID, Transcript, p. 261.

102 *ibid.*

7.108 One of the difficulties facing those with a concern for human rights is that not only does the UN, the organisation at the helm of international human rights activities, face criticism over the complexity and style of its processes, it is particularly remote from our region. The Human Rights Council of Australia suggested that the UN have a higher presence in this region. The Council has previously recommended that the UN Committee for Human Rights hold hearings in the region but to date this has not been approved. The educative effect of people in the region being able to see the operations of the international framework was stressed by the Council.¹⁰³ The Committee supports this proposal and suggests that, where possible, it be pursued by government and NGOs.

International Criminal Court

7.109 In June 1998, the UN convened a Diplomatic Conference on the Establishment of an International Criminal Court. It is proposed that the meeting will finalise and adopt a Statute for an International Criminal Court with jurisdiction over crimes such as genocide, war crimes, and crimes against humanity. The Australian government is committed to the establishment of such a court and Foreign Affairs Minister Downer announced he would address the conference and hold bilateral talks with other delegation leaders. The Committee welcomes this commitment.¹⁰⁴

Conclusions

7.110 Australia has made a positive contribution to regional dialogue on human rights, particularly through the assistance given to the development of national human rights institutions in terms of funding and support provided by HREOC. There is a perception, however, that Australia's effectiveness in its human rights dialogue is waning. The basis for this perception may be debated, but all players in Australia's human rights activities appear to concede that there is room for improvement, for a greater contribution to be made by Australia.

7.111 As the first and most basic step, the Committee urges the Australian government to renew its commitment to promote respect for human rights—within Australia and the region. Towards this end, the Committee stresses the need for attention to be paid to human rights education in Australia, as the background to all our human rights activities. The opportunities presented by the 50th anniversary year of the Universal Declaration on Human Rights, and the UN Decade for Human Rights Education should be seized without further delay.

7.112 Activities which would help to strengthen Australia's credibility as a promoter of human rights in the eyes of the region, and which would increase awareness of human rights in Australia, have been outlined in this report. Not all of these activities involve major funding considerations, and some do not involve additional funding at all. What they do require is a level of commitment, coordination and collaboration which, regrettably, has not always been evident in Australia's recent human rights activities. There needs to be a willingness to see, and take up, each opportunity that is presented, in order to raise and promote human rights issues in the region.

103 Human Rights Council of Australia, Transcript, p. 97.

104 Minister for Foreign Affairs, *Media Release*, FA71, 2 June 1998.

7.113 The proposed activities include, for example, bringing Australia's reporting responsibilities under the United Nations human rights treaties up to date; providing a specific focus on human rights in the activities of the Centre for Democratic Institutions; bringing together business, NGOs and government in discussions on human rights; and making better use of the expertise and capacity offered by NGOs in Australia and the region.

7.114 The Committee also urges the government to consider more ambitious options, which may only be brought to fruition in the longer term, but which have the potential for a profound impact on the promotion of human rights by Australia. These options include the appointment of an Ambassador for Human Rights and a national committee for human rights education.

7.115 While the emphasis of this report has been on developing a more effective dialogue, we should also be aware of the limits of dialogue and remember that it is part of an overall human rights strategy.¹⁰⁵ The Committee agrees with AFHRO's submission that the government should emphasise in its diplomacy the essential connection between respect for human rights and the stability of civil society.¹⁰⁶

7.116 Professor Alice Erh-Soon Tay, recently appointed as President of HREOC, drew attention to the worthiness of a broad range of projects, the benefits of which may not be immediately visible or tangible, however. She referred to aid and purely academic funds spent on developing legal knowledge and experience.¹⁰⁷ The Committee agrees with Professor Tay's emphasis on the building of contacts and relationships of trust and confidence with institutions and countries, as well as the need for knowledge of the conditions (political and cultural) of regimes, and the sensitivities of our neighbouring societies.¹⁰⁸

7.117 Positive signs for human rights have been seen in the region. For instance ACFOA perceived a greater willingness by governments in the region and NGOs to engage in human rights diplomacy based on dialogue 'rather than ideological trench warfare between the east and the west'. Also, ACFOA noted a greater willingness to link human rights to other policy areas such as good governance development and economic relations, so that human rights is no longer a taboo subject in the region and is acceptable terminology in political and media discourse.¹⁰⁹

7.118 The Committee urges the Australian government to build on these positive signs by emphasising its commitment to human rights as an integral part of Australia's agenda with its neighbours.

105 See, for instance, Human Rights in China, Submission, p. 203.

106 AFHRO, Transcript, p. 129.

107 Professor Tay, Submission, p. 215.

108 *ibid.*

109 ACFOA, Transcript, p. 329.

Senator David MacGibbon
Chairman

